

**Town of Clifton Park Planning Board**  
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PLANNING BOARD

DENISE BAGRAMIAN  
Chairwoman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Heather Fariello  
Mario Fantini  
Jennyfer Gleason  
Keith Martin  
(alternate) Lisa Westrick

**Planning Board Minutes**  
**January 24<sup>th</sup>, 2023**

Those present at the January 24<sup>th</sup>, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt, K. Martin, J. Gleason

Those absent were: M. Fantini, L. Westrick

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
R. Wilcox, Counsel  
P. Cooper, Secretary

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

**Minutes Approval:**

Mr. Andarawis moved, seconded by Ms. Gleason, approval of the minutes of the January 10<sup>th</sup>, 2023 Planning Board meeting as written. The motion was unanimously carried. Ms. Fariello abstained.

**Public Hearing:****2022-041 633 MacElroy Road 2 Lot Subdivision (Horstman)**

SBL: 258.-2-14

Applicant proposes to subdivide vacant lot from 633 Macelroy Road., 633 Mac Elroy RD

Zoned: R1 - Residential      Status: Preliminary

Citizenserve File Number: 22-000049, Application Number: SUB23-000002

Applicant: Horstman

Consultant: Gilbert VanGuilder Land Surveyor

Last Seen On: 12-13-22

Ms. Bagramian explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, second by Ms. Fariello, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:05 p.m. The Secretary read the public notice as published in the Daily Gazette on January 14<sup>th</sup>, 2023.

**Consultant/Applicant Presentation:**

Pat Jarosz – Van Guilder Land Surveying– Mr. Jarosz stated that this application is for a 2 lot subdivision. He stated that he can answer questions that the Board may have tonight.

**Staff Comments:****The Environmental Conservation Commission issued a memo recommending:**

- The ECC strongly recommends that this property utilize the public water system if available

**Wade Schoenborn, Building and Zoning issued a memo stating:**

- postal verification
- provide separation distances from proposed well and septic system and neighboring well and septic systems

**Scott Reese, Zoning Administrator issued a memo stating:**

- Applicant shall show the whole parcel at 627 Mac Elroy Road as proposed Lot B effects this parcel.
- Applicant shall be aware of separation requirements of the proposed septic field from dwellings, property lines, wells, and water courses. The well location at 622 Mac Elroy Road should be located to verify the required separation distances are met.

**John Scavo, Director of Planning issued a memo stating:**

- Add 911 address to the final plan prior to stamping once the number is obtained from the Town's Fire Marshall.

**Professional Comments:****Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

## STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

## SHORT ENVIRONMENTAL ASSESSMENT FORM

2. No further comments.

## SUBDIVISION

3. No further comments.

Mr. Lippmann stated in the meeting that he would like the lot lines for Lot A added to the plan.

**Public Comments:**

No public comment.

There being no additional public comment, Ms. Fariello moved, second by Mr. Martin, to close the public hearing at 7:08 p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Andarawis asked where the location of the well across the street is. Mr. Jarosz stated that he is unsure but there will be the required 100' separation when is the location is found. Mr. Andarawis asked if the placement for Lot 2 would have other options. Mr. Jarosz stated that it would be up to the engineer to do the placement but the required separation would be met.

Mr. Ophardt asked if the wetlands were affected by the driveway as they mentioned it as an issue last meeting. Mr. Jarosz stated that the driveway would be removed and there would be a shared driveway. Mr. Ophardt asked if the culvert pipe is in the wetlands and whether the drainage

channel was man made or natural. Mr. Jarosz stated that he is unsure as the map states drainage. Mr. Ophardt stated he would like to ensure that the culvert under MacElroy Road is maintained and protected. Mr. Jarosz stated that he was unsure if the culvert would remain, but he can look into this and believes the culvert pipe is not a part of a wetlands.

Mr. Ophardt offered Resolution No. 02 of 2023, seconded by Ms. Fariello to waive the final hearing for this application for the 633 MacElroy Road 2 Lot Subdivision (Horstman) approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Well and septic placement for adequate separation must be confirmed before building permits are issued.
2. Culvert location determined, and if changes are made or if disturbance is to occur, proper permits are required to be obtained by the property owner.
3. Determine if wetlands are ACOE, DEC., or non-jurisdictional.

**Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

J. Gleason – Yes

M. Fantini - Absent

L. Westrick (alternate) - Absent

Ayes \_\_\_\_\_ 6 \_\_\_\_\_

Noes: \_\_\_\_\_ 0 \_\_\_\_\_

The resolution is carried.

**Public Hearing:**

**2022-036 DCG Wood Rd 2 Lot Subdivision**

SBL: 259.-2-115.1

Applicant proposes to subdivide the 11.7 acre lot into two (2) new lots which will be utilized for light industrial zoning development per current zoning, 26 Wood RD

Zoned: L2 - Light Industrial      Status: Preliminary

Citizenserve File Number: 22-000030, Application Number: SUB23-000001  
Applicant: DCG Development Company Consultant: Environmental Design  
Partnership  
Last Seen On: 10-25-22

Ms. Bagramian explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. She explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, second by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Ms. Bagramian called the public hearing to order at 7:19 p.m. The Secretary read the public notice as published in the Daily Gazette on January 14<sup>th</sup>, 2023.

### **Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that he is here tonight for a 2 lot subdivision on Wood Road. He stated that this is a subdivision of a prior subdivision on the property and was lot 3. He stated that the land would be 11.7 acres and 7.7 acres. Mr. Dannible stated that there is a conservation deed restricted area that would remain untouched and not encroached upon. Mr. Dannible stated that the south parcel would be 3A and the other parcel is labled, 3B. he stated that the land would be used for L-2 compliant business and would have site plans as well. Mr. Dannible stated both lots would have public water and sewer.

### **Staff Comments:**

#### **The Environmental Conservation Commission and issued a memo recommending:**

- In the Short Environmental Assessment Form (SEAF) question 8 C. needs to mention the planned bicycle and pedestrian connection between Ushers Road and Wood Road along the south side of the project area. The Towns Trails Plan call for a multi-use trail that parallels Wood Road. The plan does not reflect this multi-use trail.
- In the SEAF question 20, the applicant has indicated that the parcel was the subject was in the vicinity of hazardous waste remediation. The form requires a description of this remediation, and it is currently incomplete

Mr. Scavo stated that at the last meeting remediation was determined and DEC approved remediation.

**Scott Reese, Zoning Administrator issued a memo stating:**

- Provide lot width dimensions at building line and at lot frontages on next submitted subdivision plan.
- Label setbacks on next submitted subdivision plan.

**John Scavo, Director of Planning issued a memo stating:**

- Once obtained from the Towns Fire Marshall, add assigned 911 addresses to the Final Subdivision Map prior to stamping.
- The Saratoga Co. Planning Board issued a letter dated 12/19/2022, stating that the project will have no significant countywide or inter-community impact.
- Protective covenants in a form for recording the deed restricted habitat area is required to be shown on the final site plan. If such protective covenant already exists a reference to the filed document is required on this subdivision plan.
- Pursuant to Â§179-16(f) of the Clifton Park Town Code, The final plat shall contain the signature and seal of a professional engineer and of a land surveyor, both registered in New York State, or a qualified land surveyor under Â§ 7208, Subdivision n, of the Education Law.
- As discussed at the December 2022 Planning Board Meeting, the applicant has complied with the Wood Road GEIS Statement of Findings therefore no additional SEQA review is required.

Mr. Scavo stated in the meeting that if a trail were to go in in the future it would be in the ROW. Mr. Scavo requested this be indicated on the map for future property owners.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SUBDIVISION

2. Provide the metes and bounds for all proposed lot lines, right of ways and easements. It appears the easement areas need labeling.
3. Identify the date and by whom the wetlands shown were delineated.
4. Will a fence or some type of identification be provided to delineate the deed restricted area?

**Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the applicant could maximize space for a possible multiuse path and stated he would like to see the Board see if this can be done and carried over to the site plan.

There being no additional public comment, Mr. Ophardt moved, second by Ms. Gleason, to close the public hearing at 7:31 p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Andarawis stated that there is a small piece of conservation land on 3B and asked if the lot line would be adjusted to have all of the conservation land on one parcel. Mr. Dannible stated this could be done without affecting the site plans.

Mr. Martin asked if the deed restricted areas were marked. Mr. Dannible stated they are a part of the site plans. Mr. Martin stated he would like to see trail connections along this road.

Ms. Bagramian asked if the trail was noted on the subdivision map as Mr. Scavo had mentioned. Mr. Dannible stated that it would be in the ROW and extended shoulder but he can put it on the map anyway.

Mr. Ophardt offered Resolution No. 03 of 2023, seconded by Ms. Bagramian to waive the final hearing for this application for the DCG Wood Rd 2 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

### **Conditions:**

1. Adjust the boundary line between lots 3A & 3B to ensure all the deed restricted preservation area is included within the boundary of Lot 3A only.

### **Roll Call:**

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

H. Fariello - Yes

K. Martin – Yes

J. Gleason – Yes

M. Fantini - Absent

L. Westrick (alternate) - Absent

Ayes \_\_\_\_\_ 6 \_\_\_\_\_

Noes: \_\_\_\_\_ 0 \_\_\_\_\_

The resolution is carried.

**Old Business:**

**2022-037 DCG Wood Road Industrial Site Plan 3A**

SBL: 259.-2-115.1

Applicant proposes to construct one multi-use industrial building on proposed Lot 3A, connecting to public water and sewer., 26 Wood RD

Zoned: L2 - Light Industrial 2      Status: Revised Preliminary

Citizenserve File Number: 22-000028, Application Number: SPR23-000001

Applicant: DCG Development Company      Consultant: Environmental Design Partnership

Last Seen On: 12-13-22

**Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that this application is for the previously approved subdivision. He stated that this is the southern parcel and will have the deed restricted area. Mr. Dannible stated that fencing as well as signage would be in place to identify the area. He stated that this would be flex space for the proposed building similar to the building across the street. Mr. Dannible stated that there would be 84% green space and 25 parking spaces on the site. He stated that some parking would be land banked. Mr. Dannible stated that public water and sewer would be brought onto the property as well as a hydrant. Mr. Dannible stated that stormwater would be managed on-site via infiltration and that a general planting plan was submitted. Mr. Dannible stated that photometric plans have been submitted as well.

**Staff Comments:**

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- The elevated drywell rim should be reflected in the Dry Well Detail (see attached example).
- It appears that construction material is being stored on this parcel. Move any material out of the deed restricted habitat area, if any.

**John Scavo, Director of Planning issued a memo stating:**



- In a letter dated December 19, 2022, the Saratoga Co. Planning Board noted that the project would have No Significant County-Wide or Inter-Community Impact.
- As discussed at the December 2022 meeting the project appears to satisfy all Wood Road Generic Environmental Impact Statement of Findings. The Traffic Mitigation Fee will be collected at the time of stamping the site plan.
- Condition of sign off from the CPWA
- Elevations copy be attached to the site plan

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

#### STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

#### SITE PLAN

2. On Sheet 9, Detail 1, indicates a “No Stopping Anytime” sign for ADA aisle spaces. Each access aisle shall be provided with signage reading "No Parking Anytime." Please revise accordingly.
3. Provide splash pad details as indicated on plans for roof downspouts.
4. Provide retaining wall detail. Also, provide note on plans, “All retaining wall designs shall be provided by the retaining wall manufacturer and shall be certified by a licensed geotechnical engineer. Copies of all design documents shall be submitted to the project design engineer and the Town for review and approval prior to construction”.
5. Considering relocating the bollard on the southwest corner of the building closer to the building to provide at a 22’ minimum drive aisle.

#### TRAFFIC

6. No further comments.

#### STORMWATER MANAGEMENT NARRATIVE AND SWPPP

7. Provide NYSDEC New York Natural Heritage Program letter as an Appendices in the SWPPP once received.
8. Provide calculations showing that the infiltration basin will fully dewater within 48 hours after a storm event pursuant to Section 6.3.2 of the NYSSMDM.

### **Public Comments:**

No public comment.

### **Planning Board Review:**

Ms. Bagramian asked if the site elevations for Lots 3A and 3B similar as was shown. Mr. Dannible stated it is not similar; this one has 5 overhead doors and a shorter roof. Ms. Bagramian asked if the plantings along the road were high or lower. Mr. Dannible stated that they are a mix

of hydrangeas and sculptured evergreens. Mr. Scavo stated that there are some maples out front as well.

Mr. Martin asked if the lawn and all of the trees and plantings were calculated as green space. Mr. Dannible stated it was.

Mr. Ophardt asked if the applicant evaluated the pine tree that was spoken about at the last meeting that supposedly helps the conservation area and the lupine and asked if was going to be planted. Mr. Dannible stated it was a white pine and that they could look into seeing if the white pine is available for commercial purchase. Mr. Ophardt stated that he feels that the open space can be used to promote the conservation areas.

Mr. Andarawis thanked the applicant for land banking the parking, he asked if the parking were to be needed down the road if the plantings would be disturbed to do so. Mr. Dannible stated that they would not be disturbed and that the parking would be graded at build but remain green until needed for parking.

Mr. Ophardt moved, second by Mr. Andarawis, to waive the final hearing for this application for the site plan review of DCG Wood Road Industrial Site Plan 3A, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Get verification of zoning compliance for office use and may be returned to board for further review.
2. Attached building elevations to the site plan.
3. Ensure the boundary line adjustments to include all deed restricted habitat area are shown on lots 3A.

Ayes   6  

Noes:   0  

**Old Business:**

**2022-038 DCG Wood Road Industrial Site Plan 3B**

SBL: 259.-2-115.1

Applicant proposes to construct two multi-use industrial building on proposed Lot 3B, connecting to public water and sewer, 26 Wood RD

Zoned: L2 - Light Industrial 2      Status: Revised Preliminary

Citizenserve File Number: 22-000029, Application Number: SPR23-000002  
 Applicant: DCG Development Company Consultant: Environmental Design  
 Partnership  
 Last Seen On: 12-13-22

**Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that this application is for 2 flex space buildings on the north 3B lot of the previously subdivided parcel. He stated that this is similar to the 3A site plan but this would have 2 buildings. He stated that one building would be 26,000 sf and the second building would be 23,000 sf with access on both sides of the building. Mr. Dannible stated that there would be 2 curb cuts for this site with fire department access and public water and sewer to both buildings. Mr. Dannible stated that stormwater management would be on site and would discharge to the DEC wetlands. He stated that there would be 120 parking spaces and 108 are required.

**Staff Comments:**

**Scott Reese, Stormwater Management Technician issued a memo stating:**

- The pipe outlets into SMA #2 - #3 forebays will all be submerged, this may be a concern with function and maintenance for the stormwater piping.
- There has been clear cutting activity on this parcel. Slopes shall be stabilized with wood mulch then construction activity shall cease until all proper permits have been obtained. See attached photos in file.

**John Scavo, Director of Planning issued a memo stating:**

- As discussed at the December 2022 meeting the project appears to satisfy all Wood Road Generic Environmental Impact Statement of Findings. The Traffic Mitigation Fee will be collected at the time of stamping the site plan.
- In a letter dated 12/19/2022, the Saratoga Co. Planning Board noted that the project would have no significant county-wide or inter-community impact.
- In conjunction with the parking stall striping, the vehicle tracking plan resolves previous concerns I expressed regarding large vehicle turning movements conflicting with proposed parking stalls.
- Pole mount or affix to the adjacent buildings No Parking Fire Lane signs for the north and south drive lanes of Building #2 and within the T turnaround area of Building #1.
- Any approvals should be conditioned upon a final sign-off from the Clifton Park Water Authority.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:**

## STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments at this time.

## SITE PLAN

2. On Sheet 9, Detail 1, indicates a “No Stopping Anytime” sign for ADA aisle spaces. Each access aisle shall be provided with signage reading "No Parking Anytime." Please revise accordingly.
3. On Sheet 7 of 11, provide a phased erosion and sediment control that shows disturbances of less than 5 acres at a time.
4. Provide guiderail (ex. timber) in locations where the pavement is located adjacent to the stormwater managements stormwater management areas especially when the drop is significant (5'-9'). These areas include but not limited to the entrances, pavement areas on the north side of the building, northwest portion of the parking lot for Building 2 and northeast portion of parking near Building 1.
5. Provide retaining wall detail. Also, provide note on plans, “All retaining wall designs shall be provided by the retaining wall manufacturer and shall be certified by a licensed geotechnical engineer. Copies of all design documents shall be submitted to the project design engineer and the Town for review and approval prior to construction”.
6. Confirm the need of a culvert under the proposed driveway.

## TRAFFIC

7. No further comments.

## STORMWATER POLLUTION PREVENTION PLAN (SWPPP)/STORMWATER MANAGEMENT NARRATIVE

8. Provide NYSDEC New York Natural Heritage Program letter as an Appendices in the SWPPP once received.
9. Provide calculations showing that the infiltration basins will fully dewater within 48 hours after a storm event pursuant to Section 6.3.2 of the NYSSMDM.

### **Public Comments:**

No public comment.

### **Planning Board Review:**

Ms. Bagramian asked if the lot line adjustments for the subdivision would be reflected on the final site plans. Mr. Dannible stated he would ensure they do and that parking prohibits any office space use. Ms. Bagramian asked if there would be loading docks. Mr. Dannible stated that the loading docks would look the same as lot 3A and that there would be nectar plantings in the green space that would help keep down on maintenance of the site.

Mr. Ophardt stated that he feels that the use may call for a Special Use Permit and asked that this be looked into. Mr. Dannible stated that he would work with the Town on this. Mr. Scavo stated that if it is found to need a SUP the applicant would have to come back to the Board.

Mr. Ophardt moved, second by Ms. Gleason, to waive the final hearing for this application for the site plan review of DCG Wood Road Industrial Site Plan 3B, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. 1. If it is found that a SUP is needed for future office uses, the applicant will come back to Planning Board for additional review and consideration
2. Attached the building elevation to the site plan.

Ayes   6  

Noes:   0  

**New Business:**

None

**Discussion Items:**

None

Mr. Martin moved, seconded by Mr. Ophardt, adjournment of the meeting at 8:11 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 15<sup>th</sup>, 2023.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary